IN THE HIGH COURT OF UTTARANCHAL

AT NAINITAL
Criminal Misc. Application No. 83 of 2005

1. Madan Lal S/o Chauhal Singh

2. Naurti @ Saurti W/o Modan Lal

3. Rajesh S/o Madan Lal
All R/o Mohalla Kadach Jwalapur
Police Station – Jwalapur
District – Haridwar … Applicants

Versus

1. State of Uttaranchal
2. Chief Judicial Magistrate Haridwar
3. Seva Ram S/o Harnand
R/o Bahadrabad
Police Station – Jwalpur
District – Haridwar … Opp. Parties

Sri Navneet Kaushik learned counsel for the applicants.
Sri Sanjeev Singh and Shri G.S. Sandhu, learned A.G.A. for the opposite parites.

Hon'ble B.C. Kandpal, J.

This petition u/s 482 Cr.P.C. has been filed by the by the petitioners for quashing the chargsheet dated 22.07.2004 in case crime no. 154 of 2004 and in case no. 5024/04 State Vs. Rajesh & others u/s 498A I.P.C. and ¾ Dowry Prohibition Act, Police Station Jwalapur, District Haridwar.

The order dated 12.10.2004 summoning the petitioners has also been put to challenge by the petitioners.

Heard learned counsel for the parties and perused the record.

Learned counsel for the petitioners has argued that no prima facie case is made out against the petitioners,.

The record shows that the chargesheet has now been submitted before the court below and in case if the petitioners want to raise the argument that no prima facie

case is made out against them, then they have still the opportunity to raise this contention before the court below at the time of framing the charge.

However, the contention raised by the learned counsel for the petitioners relates to the question of fact which can be assessed and examined by the trail court when the evidence is to be led there.

I don not find any flagrant injustice and any abuse of process of court at this stage.

This petition being devoid of any force is liable to be dismissed.

Accordingly, the petition is dismissed.

However, in case, if the petitioners intend to seek the bail in the case in which they have been summoned by the court, they may apply for the same before the court concerned and the court should decide their application as early as possible/expeditiously.

(B.C. Kandpal, J.)

25th April, 2005
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